

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHERMAN JOSEPH LaVALLIE, Jr.,

Defendant.

CR-09-56-GF-BMM-01

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter May 24, 2017. (Doc. 70.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on May 16, 2017. (Doc. 66.) LaVallie admitted that he violated the conditions of his supervised release. The violations prove serious and warrant revocation of LaVallie's supervised release.

Judge Johnston has recommended that the Court revoke LaVallie's supervised release and commit LaVallie to the custody of the Bureau of Prisons for six months (Doc. 70 at 4.) Judge Johnston further has recommended that LaVallie's term of custody be followed by lifetime supervision.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. LaVallie's violations of his conditions represent a serious breach of the Court's trust. A sentence of six months custody followed by lifetime supervision represents a sufficient, but not greater than necessary, sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 70) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Sherman Joseph LaVallie, Jr. be sentenced to six months custody followed by a lifetime term of supervised release. The conditions previously imposed shall be continued.

DATED this 21st day of June, 2017.



Brian Morris
United States District Court Judge